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Attorneys for Defendant, APPLE INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

EPIC GAMES, INC.,  
  
 Plaintiff, Counter-defendant,  
  
 v.  
  
 APPLE INC.,  
  
 Defendant, Counterclaimant.

CASE No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN  
 SUPPORT OF DEFENDANT APPLE INC.'S  
 OBJECTIONS TO EXPERT TESTIMONY**

The Honorable Yvonne Gonzalez Rogers

1 I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
3 of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for  
4 Defendant Apple Inc. ("Apple") in this case. I submit this declaration in support of Apple's  
5 Objections to Expert Testimony.

6 2. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition of Dr.  
7 Susan Athey.

8 3. Attached as Exhibit 2 is a true and correct copy of a letter from Gary Bornstein to myself,  
9 dated April 27, 2021.

10  
11 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
12 and correct and that this Declaration was executed on April 28, 2021 at Oakland, California.

13  
14 /s/ Mark A. Perry

15 Mark A. Perry  
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